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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

11 COLLEEN MANGHANE, et al.

12 Plaintiff(s),

13 v.
14 COUNTY OF SAN BERNARDINO, et
15 al.

16 Defendant(s).

Case No.
5:25-cv-01107-WLH-SHK

**STANDING ORDER
FOR NEWLY
ASSIGNED CIVIL CASES**

**READ THIS ORDER CAREFULLY. IT CONTROLS THIS CASE
AND DIFFERS IN SOME RESPECTS FROM THE LOCAL RULES.**

22 This case has been assigned to United States District Judge Wesley L. Hsu.
23 Both the Court and all counsel bear responsibility for the progress of litigation in
24 this Court. “Counsel,” as used in this Order, includes attorneys and parties who
25 have elected to appear without an attorney and are representing themselves in
26 this civil litigation (hereinafter referred to as “*Pro Se* Litigants”). To secure the
27 just, speedy, and inexpensive determination of every action, all Counsel—
28 including *Pro Se* Litigants—are ordered to comply with this Order, the Federal

1 Rules of Civil Procedure, and the Local Rules of the Central District of California.
2 See L.R. 1-3; L.R. 83-2.2.3; *Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995)
3 (holding that “[f]ailure to follow a district court's local rules is a proper ground for
4 dismissal”).

5 **A. GENERAL REQUIREMENTS**

6 **1. Service of Order.** Counsel for the plaintiff must immediately serve
7 this Order on all parties, including any new parties to the action. If this case was
8 removed from state court, the defendant that removed the case must serve this
9 Order on all other parties.

10 **2. *Pro Se* Litigants.** Only individuals may represent themselves. A
11 corporation or other entity must be represented by counsel. If counsel seeks to
12 withdraw, counsel must advise the entity of the dire consequences of failing to
13 obtain substitute counsel before seeking withdrawal—i.e., a plaintiff entity’s
14 case will be dismissed or a defendant entity will default. See L.R. 83-2.3.4. The
15 following links may be helpful to *Pro Se* Litigants: (a) General information on
16 how parties may represent themselves in civil cases in the Central District of
17 California can be found at <https://www.prose.cacd.uscourts.gov/>; (b) Local Civil
18 Rules for the Central District of California can be found at
19 <https://www.cacd.uscourts.gov/court-procedures/local-rules>; (c) Federal Rules of
20 Civil Procedure can be found at <https://www.law.cornell.edu/rules/frcp>.

21 **3. Presence of Lead Trial Counsel.** Lead trial counsel shall attend all
22 proceedings set by this Court, including scheduling, settlement, and pretrial
23 conferences, as well as trials. Lead trial counsel must be prepared to address and
24 resolve all matters within the scope of the proceeding. Only one attorney for a
25 party may be designated as lead trial counsel unless otherwise permitted by the
26 Court. If a second lead trial counsel is permitted by the Court, both counsel must
27 attend the pretrial conference. Believing that young lawyers need more
28 opportunities for appearances than they usually receive, the Court encourages lead

1 trial counsel to permit junior counsel, of five or fewer years out of law school, to
2 fully participate in Court proceedings, including arguing motions and examining
3 witnesses.

4 **4. Counsel Calendar Conflicts.** If any counsel discovers a calendar
5 conflict with a scheduled appearance, counsel must inform opposing counsel and
6 the Court's Courtroom Deputy (CRD) via Chambers email at
7 WLH_Chambers@cacd.uscourts.gov as soon as possible and not later than three
8 (3) days before the scheduled appearance. Counsel should attempt to agree on a
9 new date to accommodate the calendar conflict. Counsel must propose a new date
10 by Stipulation and Proposed Order. A "Notice of Unavailability" has no legal effect
11 and should not be filed. The Court expects that counsel will conduct themselves
12 professionally and will not deliberately schedule any proceeding when counsel are
13 unavailable.

14 **5. Communications with Chambers.** Neither counsel nor a party
15 shall initiate contact with the Court or its Chambers staff by telephone, or by any
16 other improper *ex parte* means. Counsel may contact the CRD with appropriate
17 inquiries. Contacting the CRD to inquire about the status of a ruling or to continue
18 a proceeding is not appropriate. The preferred method of communication with the
19 CRD is by email at WLH_Chambers@cacd.uscourts.gov. Counsel must copy all
20 parties on any such email. To facilitate communication with the CRD, counsel
21 should list their email addresses along with their telephone numbers on all papers.

22 **6. Civility.** All counsel who appear in this action must immediately
23 review and comply with the Civility and Professionalism Guidelines, which can
24 be found on the Court's website at <https://www.cacd.uscourts.gov/attorneys/admissions/civility-and-professionalismguidelines>. The Court expects everyone in
25 the courtroom to treat each other with dignity and respect. At a minimum, the
26 Court expects the following from counsel: (1) being punctual and prepared for all
27 court appearance; (2) being civil and respectful in all oral and written

1 communications with the Court and other parties; (3) being civil and respectful to
2 court personnel, including the CRD, court reporters, law clerks, and marshals;
3 (4) refraining from interrupting any person in the courtroom when that person
4 is speaking; (5) refraining from making gestures, facial expressions, or audible
5 comments indicating approval or disapproval of testimony or argument; and
6 (6) being considerate of the time constraints and pressures on the Court and
7 court staff inherent in their efforts to administer justice.

8 **B. PLEADINGS REQUIREMENTS**

9 **1. Service of the Complaint.** The Plaintiff(s) shall promptly serve the
10 Complaint in accordance with Fed. R. Civ. P. 4 and file the proofs of service
11 pursuant to Fed R. Civ. P. 4(l). Any defendant(s), including “DOE” or fictitiously-
12 named defendant(s), not served within ninety 90 days after the case is filed shall be
13 dismissed pursuant to Fed. R. Civ. P. 4(m) and by operation of this Order without
14 further notice, unless plaintiff requests and justifies the need for additional time in
15 the joint report and the Court grants an extension.

16 **2. Removed Actions.** Any Answers filed in state court must be refiled
17 in this Court as a supplement to the Notice of Removal. Any pending motions must
18 be re-noticed in accordance with L.R. 7. If an action removed to this Court contains
19 a form pleading, i.e., a pleading in which boxes are checked, the party or parties
20 that filed the form pleading must file in this Court within thirty (30) days of
21 receipt of the Notice of Removal a revised pleading that complies with Fed. R. Civ.
22 P. 7, 7.1, 8, 9, 10 and 11. An amended complaint filed within thirty (30) days after
23 removal to replace a form complaint pursuant to this instruction shall be deemed
24 an amended complaint with “the court’s leave” pursuant to Fed. R. Civ. P. 15(a)(2).

25 **3. Status of Fictitiously Named Defendants.**

26 **(a)** Plaintiff must identify and serve any fictitiously named or “Doe”
27 defendant(s) before the deadline set forth in the Court’s Order Setting Scheduling
28 Conference.

(b) Before moving to sub

1 (b) Before moving to substitute a defendant for a Doe defendant,
2 plaintiff must seek the consent of counsel for all defendants, including counsel for
3 a represented Doe defendant. If denied consent, plaintiff must file a regularly
4 noticed motion. In diversity cases, plaintiff's motion must address whether the
5 addition of the newly named party destroys diversity jurisdiction. *See* 28 U.S.C.
6 § 1447(c), (e).

7 C. **FILING REQUIREMENTS**

8 **1. Electronic Filing.** Pursuant to Fed. R. Civ. P. 5(d)(3), L.R. 5-4,
9 and General Order 10-07, counsel shall electronically file (“e-file”) all filings.
10 Items that do not require the Court’s signature shall be e-filed in pdf format.
11 Proposed orders shall be e-filed in pdf format as an attachment to the main
12 documents. *Pro Se* Litigants may submit documents for filing through the Court’s
13 Electronic Document Submission System (“EDSS”) instead of mailing or bringing
14 documents to the Clerk’s Office. Only internet access and an email address are
15 required. Documents are submitted in PDF format through an online portal on the
16 Court’s website. To access EDSS and for additional information, visit the Court’s
17 website at <https://apps.cacd.uscourts.gov/edss>.

2. Documents with Declarations, Exhibits, and other Attachments.

19 If a filed or lodged document has declarations, exhibits, or other attachments, each
20 attachment must be filed as a separately docketed attachment to the main docket
21 entry with a description of the attachment (e.g., Dkt. 29-1 Smith Declaration, 29-2
22 Ex. 1 - License Agreement, 29-3 Request for Judicial Notice). The Court may
23 strike or decline to consider motions, stipulations, or other documents with
24 attachments that are not filed in accordance with this Order.

25 || 3. Proposed Orders.

1 statement of the rationale for the decision with appropriate citations.

2 **(b) Use Applicable Templates.** Use the Proposed Order Template
3 located on the Court's website under "Orders & Additional Documents" at the
4 bottom of Judge Hsu's webpage
5 (<http://www.cacd.uscourts.gov/honorable-wesley-l-hsu>). Failure to do so may
6 result in the striking of the request. Proposed orders must be on pleading paper.
7 Proposed orders should NOT contain any of the following: (1) attorney names,
8 addresses, etc. on the caption page; (2) a footer with the document name or
9 other information; or (3) a watermark or designation of the firm name. Proposed
10 orders should be formatted in the same fashion as motions.

11 **(c) Email Proposed Orders to Chambers.** The Court enforces
12 strict compliance with L.R. 5-4.4.2, which instructs: "After a document requiring
13 a judge's signature has been lodged in accordance with L.R. 5-4.4.1 . . . ,
14 a Microsoft Word copy of the proposed document, along with a PDF copy of the
15 electronically filed main document, shall be e-mailed to the assigned judge's
16 generic chambers e-mail address using the CM/ECF System," namely,
17 WLH_Chambers@cacd.uscourts.gov. The Court will not consider a stipulation,
18 *ex parte* application, or other request for relief until a compliant proposed order
19 is received by email. If the proposed order is based on a stipulation or an *ex parte*
20 application, counsel must email both the order and the stipulation or *ex parte*
21 application. Otherwise, accompany documents (such as motions) should not be
22 emailed to Chambers.

23 **4. Mandatory Chambers Copies.**

24 **(a) Motions, Pleadings, and Trial Documents.** The parties must
25 provide one (1) Mandatory Chambers Copy only of Motions for Summary
26 Judgment filings and the 26(f) Report. Please do not send paper copies of any
27 other documents unless requested by the Court.

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1 (b) **Delivery Location, Timeliness, and Form.** All Mandatory
2 Chambers Copies must be delivered to Judge Hsu’s Chambers copy box, which
3 is located outside of the Clerk’s Office on the fourth floor of the First Street
4 Courthouse. Mandatory Chambers Copies must be delivered no later than
5 12:00 p.m. (noon) the following business day after the document is electronically
6 filed. Mandatory chambers copies must be printed from CM/ECF, and must
7 include: (1) the CM/ECF-generated header (consisting of the case number,
8 document control number, date of filing, page number, etc.) at the top of each
9 page; and (2) the Notice of Electronic Filing (*see* L.R. 5-3.2.1) as the last page
10 of the document. L.R. 5-4.5. Mandatory Chambers Copies need not be
11 bluebacked. For security reasons, do not leave chambers copies in envelopes
12 or folders.

13 (c) **Mandatory Chambers Copy Exhibits.** All exhibits should be
14 separated by a tab divider on the right or bottom of the document. If the evidence
15 exceeds 50 pages, the Mandatory Chambers Copy must: (1) include a table of
16 contents; and (2) be in a tabbed binder with each exhibit separated by a tab divider
17 on the right or the bottom. All documents in the binder must be three-hole punched,
18 preferably with a larger hole size (13/32"), rather than the standard hole size
19 (9/32") to facilitate ease of review. If the evidence exceeds 200 pages, the table of
20 contents and evidence must be placed in a Slant D-Ring binder. Binders should be
21 no larger than 4 inches. Binders must have both a cover sheet and a spine label that
22 includes the case name, case number, and a description of the contents.

5. Filings Under Seal.

1 and discuss the factual and/or legal justification that establishes “good cause” or
2 “compelling reasons” for the document’s protection. *Kamakana v. City and Cnty.*
3 *of Honolulu*, 447 F.3d 1172, 1179-80 (9th Cir. 2006).

4 **(b) Redacted Version and Unredacted Version.** Documents that
5 are not confidential or privileged in their entirety should not be filed under seal
6 if the confidential portions can be redacted and filed separately with a reasonable
7 amount of effort. The parties should file an unredacted version of the document
8 under seal, and a redacted version for public viewing, omitting only the portions
9 that the Court has ordered may be filed under seal.

10 **(c) Justification.** Sealing must be justified for each individual item;
11 blanket claims of confidentiality will result in the application to seal being denied.
12 Counsel is strongly encouraged to consider carefully whether sealing or redaction
13 is required for a given piece of evidence or argument. An application to seal that
14 includes clearly meritless requests to seal or redact documents may be denied in its
15 entirety. The parties must also meet and confer before filing an application to seal.

16 **D. CONSENT TO MAGISTRATE FOR ENTIRE CIVIL CASE**

17 The parties may consent to have a Magistrate Judge preside over the entire
18 civil case, including trial, rather than just discovery. One benefit to giving such
19 consent is that the parties almost always will be able to proceed to trial sooner than
20 on a District Court Judge’s calendar. Additionally, the parties are free to select
21 from among all Magistrate Judges available for this purpose, not just the Magistrate
22 Judge assigned to the parties’ case. The Magistrate Judges have experience and
23 expertise in a variety of areas, including patent and trademark litigation. If the
24 parties agree to consent to proceed before a Magistrate Judge, the parties should
25 consult the Central District website for the list of available Magistrate Judges and
26 should submit the appropriate consent form.

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1 **E. DISCOVERY**

2 **1. Magistrate Judge Referral for All Discovery Matters.** All
3 discovery matters are referred to the assigned United States Magistrate Judge. The
4 Magistrate Judge's initials follow the Judge's initials next to the case number. All
5 documents relating to discovery matters must include the words "DISCOVERY
6 MATTER" in the caption to ensure proper routing. Counsel should not deliver
7 chambers copies of discovery matters. Counsel must follow the Magistrate Judge's
8 procedures for scheduling matters for hearing. These procedures are stated on each
9 Magistrate Judge's webpage.

10 **2. Limited District Court Review of Discovery Matters.** The decision
11 of the Magistrate Judge on all discovery matters shall be final, subject to limited
12 review requiring a showing that the decision is clearly erroneous or contrary to
13 law. *See* 28 U.S.C. § 636(b)(1)(A). Any motion for review of a Magistrate Judge's
14 decision must be noticed before the District Court Judge within fourteen (14) days
15 of service of the Magistrate Judge's written ruling, or within fourteen (14) days of
16 an oral ruling that the Magistrate Judge states will not be followed by a written
17 ruling. The motion must specify which portions of the ruling are clearly erroneous
18 or contrary to law, and the claim must be supported by points and authorities.
19 Counsel shall provide the Magistrate Judge chambers copies of the moving papers
20 and responses.

21 **3. Timing of Discovery.** Unless there is a likelihood that, upon motion
22 by a party, the court would order that discovery be stayed, the parties should begin
23 to propound discovery before the Scheduling Conference. The parties must comply
24 fully with the letter and spirit of Fed. R. Civ. P. 26(a) and produce discovery
25 promptly. At the Scheduling Conference, the court will impose firm deadlines
26 governing the completion of discovery.

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1 **4. Discovery Protective Orders.** Proposed protective orders for
2 discovery must be submitted to the assigned Magistrate Judge. Such orders should
3 not purport to allow, without further order of the Court, the filing under seal of
4 pleadings or documents filed in connection with a dispositive motion, a class
5 certification motion, or trial before the Court. The existence of a protective order
6 does not alone justify the filing of pleadings or other documents under seal, in
7 whole or in part.

8 **F. SCHEDULING CONFERENCE**

9 Pursuant to Fed. R. Civ. P.16(b), the Court will issue an Order Setting
10 Scheduling Conference. The parties are required to strictly comply with Fed. R.
11 Civ. P. 16 and 26, as well as this Court's Orders.

12 **G. MOTIONS – GENERAL REQUIREMENTS APPLICABLE TO ALL**
13 **MOTIONS**

14 **1. Local Rule 7-3 Pre-Filing Meet and Confer Requirement.**

15 **(a) Scope.** The Court strictly enforces Local Rule 7-3, which
16 requires counsel to engage in a prefilings conference “to discuss thoroughly . . . the
17 substance of the contemplated motion and any potential resolution.” This
18 requirement applies in all cases, including those with *Pro Se* Litigants. This Court
19 requires parties through Counsel to meet and confer about any potentially disputed
20 matter (except those identified in L.R. 7-3 and 16-12) before presenting it to the
21 Court, including requests to continue any matter, applications to file under seal,
22 and other filings seeking a court order. The purpose of meeting and conferring
23 is to attempt to obviate the need for a motion and thus avoid unnecessary Court
24 intervention. If the parties are unable to fully resolve the dispute, they shall
25 attempt to narrow the scope of contested issues. Counsel must meet and confer
26 in good faith.

27 **(b) Method.** Parties must meet and confer either by videoconference
28 or in person. Email correspondence is insufficient.

(c) **Compliance Statement Required.** The moving party must

include in the signed notice of motion a truthful representation of full compliance with L.R. 7-3, stating that the parties “thoroughly discussed the substance and potential resolution of the filed motion [by videoconference or in person].”

(d) Non-Compliance. If an opposing party refuses to participate in good faith, the moving party shall explain the refusal in detail. Failure by any party to comply in good faith with the “meet and confer” requirement may result in an order to show cause re: sanctions—including, as appropriate, striking or denying the motion, deeming the motion unopposed, and/or awarding monetary sanctions.

2. Scheduling Motions Hearings. Motions must be filed in accordance with L.R. 6 and 7. Judge Hsu hears civil motions on Fridays beginning at 1:30 p.m. It is not necessary to clear a hearing date with the CRD before filing a motion. Immediately before filing the motion, parties must check the closed motion dates column located on the right side of Judge Hsu's Procedures and Schedules Pages on the Court's website to make sure the hearing date has not been closed. The close date column is typically updated on a weekly and sometimes daily basis. If a motion is noticed for a date that is not available, the Court may strike or reset the motion.

3. Briefing Schedule. To allow Chambers enough time to prepare, the parties must adhere to the briefing schedule set forth in L.R. 7-9 and 7-10 for all motions, except Rule 56 motions. For Rule 56 motions, the parties should review and comply with Judge Hsu's Standing Order for Motions for Summary Judgment. In patent cases, the parties should review and comply with Judge Hus's Standing Order regarding Patent Cases. When scheduling motion hearing dates, professional courtesy dictates that the parties should accommodate each other's schedules, including vacation and holiday schedules, whenever possible.

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1 **4. Length and Format of Motion Papers.** Memoranda of points and
2 authorities in support of or in opposition to motions (besides motions *in limine*)
3 shall not exceed 7,000 words. Replies shall not exceed 4,000 words. These page
4 counts include headings, footnotes, and quotations but exclude the caption, the
5 table of contents, the table of authorities, the signature block, the certification
6 required by L.R. 11-6.2, and any indices and exhibits. Only rarely and for good
7 cause shown will the Court grant an application to extend these word count
8 limitations. Pursuant to L.R. 11-3.1.1, either a proportionally spaced or
9 monospaced face may be used. Typeface shall comply with L.R. 11-3.1.1. Times
10 New Roman font must be no less than 14 point; Courier font must be no less than
11 12 point. Footnotes shall be in the same font and the same size as the body of the
12 memorandum. Counsel shall adhere to L.R. 5-4.3 with respect to the conversion
13 of all documents to .pdf format so that when a document is electronically filed,
14 it is in proper size and is .pdf searchable. Further, all documents shall be filed in
15 a format so that text can be selected, copied, and pasted directly from the
16 document. *See* L.R. 5-4.3.

17 **5. Limitations on Briefing.**

18 **(a) Notice of Supplemental Authority.** No supplemental briefs may
19 be filed without prior leave of court. Parties, however, may file a Notice of
20 Supplemental Authority after submitting their brief but before the Court has issued
21 a final decision to provide the Court with a recently decided case that is either
22 persuasive or controlling authority. The Notice of Supplemental Authority must
23 only contain the case(es) or citation(s) that the parties request that the Court
24 consider but shall not include any substantive arguments unless leave to do so
25 has been granted.

26 **(b) Certificate of Compliance.** A certificate of compliance is
27 required for every brief filed before this Court as set forth in Local Rule 11-6.2.
28 The certificate of compliance must contain a word count, which complies with

1 the above-mentioned word limitations discussed in Section G.4. Failure to
2 include the certification of compliance and/or word count may result in the motion
3 being stricken.

4 **6. Citations to Authority.** Statutes should be cited in accordance with
5 the Bluebook. Citations that support a statement in the main text must be included
6 in the main text, not in footnotes.

7 **(a) Case Citations.** Case citations must identify both the case cited
8 and the specific page referenced. Parties should not use string cites without a good
9 reason. When using string cites, a party should include a parenthetical explanation
10 for each cited case. When citing to legal databases (which is not encouraged), cite
11 to Westlaw whenever possible.

12 **(b) Statutory References.** Statutory references should identify with
13 specificity the sections and subsections referenced. Citations should be to the
14 relevant official statutory code (e.g., the U.S. Code) and should not merely
15 reference the popular name of an act.

16 **(c) Citations to Other Sources.** Citations to treatises, manuals,
17 and other materials should include the volume, section, and relevant pages. Attach
18 copies if these materials are not accessible on Westlaw, especially for historical
19 materials (e.g., older legislative history).

20 **H. MOTIONS – SPECIFIC REQUIREMENTS**

21 **1. Motions Pursuant to Federal Rule of Civil Procedure 12.** Many
22 motions to dismiss or strike can be avoided if the parties confer in good faith as
23 required by L.R. 7-3, especially for perceived defects in a complaint, answer, or
24 counterclaim that can be corrected by amendment. *See Polich v. Burlington
25 N., Inc.*, 942 F.2d 1467, 1472 (9th Cir. 1991) (noting that where a motion to
26 dismiss is granted, a district court should grant leave to amend unless it is clear
27 the complaint cannot be saved by amendment). Moreover, a party has the right to
28 amend the complaint “once as a matter of course at any time before a responsive

1 pleading is served.” Fed. R. Civ. P. 15(a). Even after a complaint has been
2 amended or a responsive pleading has been served, the Federal Rules of Civil
3 Procedure provide that leave to amend should be “freely given when justice so
4 requires.” Fed. R. Civ. P. 15(a). Indeed, the Ninth Circuit requires that this policy
5 favoring amendment be applied with “extreme liberality.” *Morongo Band of*
6 *Mission Indians v. Rose*, 893 F.2d 1074, 1079 (9th Cir. 1990). Consequently,
7 parties should carefully consider and weigh an opponent’s contentions as to the
8 deficiencies in a pleading to determine if an amendment would cure the defects.
9 The moving party, in turn, should agree to any amendment that would cure the
10 defect.

11 **2. Motions to Amend.** In addition to the requirements of L.R. 15-1,
12 all motions to amend pleadings shall: (1) state the effect of the amendment; (2) be
13 serially numbered to differentiate the amendment from previous amendments;
14 and (3) state the page and line number(s) and wording of any proposed change
15 or addition of material. Counsel shall electronically file a “Notice of Lodging”
16 attaching the proposed amended pleading as a document separate from the motion,
17 as well as a “redlined” version of the proposed amended pleading identifying all
18 additions and deletions of material as an appendix to the moving papers.

19 **3. Motions and Stipulations to Continue.** Continuances are granted
20 only on a showing of good cause. Requests for continuances must be made before
21 the date to be continued and by motion or stipulation, along with a proposed order.
22 Motions and stipulations must be accompanied by a detailed declaration setting
23 forth the specific reasons for the requested continuance and the precise deadline(s)
24 the parties propose. A stipulation that fails to list the precise date(s) the parties wish
25 to move, and the new date(s) they propose, will be denied for failure to comply with
26 this Standing Order. For example, if the stipulation improperly proposes that all
27 deadlines be moved by “60 days” without specifying the proposed new dates that
28 would result from that requested continuance, the Court will deny the request. The

1 declaration also should state whether there have been any previous requests for
2 continuances; whether these requests were granted or denied by the Court; what
3 efforts were made to meet the existing deadline; and what, if any, prejudice would
4 result if the request is denied. Stipulations extending dates set by this Court are not
5 effective unless approved by the Court. Continuances will not be granted routinely.

6 **4. Motions in Limine.** Motions *in limine* shall be noticed for hearing
7 on the Final Pretrial Conference Date.

8 **5. Daubert Motions.** *Daubert* motions shall be noticed for hearing
9 not later than eight (8) weeks before the Final Pretrial Conference date.

10 **6. Motions for Class Certification.** If this action is a putative class
11 action, the parties are to act diligently and begin discovery immediately, so that
12 the motion for class certification can be filed expeditiously. This Court requires
13 an extended briefing schedule for motions for class certification. Parties are
14 advised to refer to the Court's Order Setting Scheduling Conference for
15 additional guidance as to filing and timing of motions for class certification.

16 **7. Motions Pursuant to Federal Rule of Civil Procedure 56**
17 (**Summary Judgment/Summary Adjudication Motions**). For the requirements
18 specific to Rule 56 motions, the parties shall refer to the Court's Standing Order
19 for Motions for Summary Judgment located on the Court's website
20 (<https://www.cacd.uscourts.gov/honorable-wesley-l-hsu>). The parties are
21 expected to comply with all the Court's requirements.

22 **8. Motions for Attorneys' Fees.** Motions for attorneys' fees shall be
23 electronically filed and set for hearing according to L.R. 6-1 and this Order. Any
24 motion or request for attorneys' fees shall attach two summaries, in table form,
25 of the hours worked by and billing rate of each attorney with title (e.g., partner,
26 counsel, associate, etc.). The first table shall include a summary of the hours
27 worked by each attorney, organized by task (e.g., discovery, motion to dismiss,
28 motion for summary judgment). The second table shall include a summary of

1 the hours worked by each attorney, organized by attorney. Both tables shall list
2 all the tasks on which the attorney worked, the hours worked on each task, and the
3 hourly rate of each attorney. If the hourly rate charged by any individual attorney
4 changed while the action was ongoing, the party shall provide separate calculations
5 for the total number of hours the attorney spent in connection with each task at
6 each hourly rate. All tables shall be attached to the motion and electronically filed.
7 The courtesy copies of the tables shall be prepared in Excel, have all restrictions
8 removed so the spreadsheets can be edited, and be emailed to the Court's chambers
9 email address at WLH_Chambers@cacd.uscourts.gov.

10 **9. PLRA Exhaustion Motions.** The issue of exhaustion under the
11 Prison Litigation Reform Act (“PLRA”) must be raised at the beginning of the
12 litigation. *Albino v. Baca*, 747 F.3d 1162, 1170 (9th Cir. 2014). A party seeking to
13 obtain a judicial determination of any material fact dispute precluding summary
14 judgment on the exhaustion issue must file before this Court a request for a hearing
15 within fourteen (14) days of the filing of the order denying summary judgment.
16 The failure to file a timely request may be construed as a waiver of the exhaustion
17 issue.

18 **I. HEARINGS**

19 **1. Oral Argument Time Limits.** If oral argument is permitted, the
20 parties will have a ten (10) minutes each for oral argument, unless the Court
21 states otherwise. If the Court believes that the matter warrants less or more time,
22 it will advise counsel at the hearing.

23 **2. Submission Without Oral Argument.** Pursuant to Fed. R. Civ. P. 78
24 and L.R. 7-15, the Court may deem a matter appropriate for decision without oral
25 argument. If, however, a written request for oral argument is filed by any side
26 before a ruling, stating that a lawyer of five or fewer years out of law school will
27 conduct the oral argument or at least the lion's share, then the Court will hear oral
28 argument, believing that young lawyers need more opportunities for appearances

1 than they usually receive.

2 **3. Remote Appearances.** Remote appearances are disfavored absent
3 good cause shown in a declaration concurrently filed with the moving papers or
4 the opposition.

5 **4. Telephonic Hearings.** The Court seldom permits telephonic
6 appearances. The Court strongly prefers counsel to appear in person for motion
7 hearings and pretrial and settlement conferences. If exceptional circumstances
8 exist, counsel may file an application to appear telephonically detailing such
9 circumstance.

10 **5. Settlement.** Counsel must notify the Court at least two (2) weeks
11 before the scheduled hearing if the parties are conducting settlement discussions
12 that may render the motion moot and must notify the Court immediately if a
13 settlement is reached. A belated notice of settlement wastes scarce judicial
14 resources.

15 **J. EX PARTE APPLICATIONS (INCLUDING TEMPORARY**
16 **RESTRANING ORDERS AND APPLICATIONS FOR INJUNCTIVE**
17 **RELIEF)**

18 The Court considers *ex parte* applications on the papers and does not usually
19 set these matters for hearing. If a hearing is necessary, the parties will be notified.
20 *Ex parte* applications are solely for extraordinary relief and should be used with
21 discretion. *See Mission Power Engineering Co. v. Continental Casualty Co.*, 883
22 F. Supp. 488 (C.D. Cal. 1995). Any party seeking *ex parte* relief, including
23 temporary restraining order and preliminary injunctions under Fed. R. Civ. P. 65,
24 must comply with L.R. 7-19 (and L.R. 65 for temporary restraining orders and
25 preliminary injunctions). The moving party must also serve the opposing party
26 by email, fax, or personal service, and notify that party that opposing papers must
27 be filed not later than forty-eight (48) hours following service or by 3:00 p.m. on
28 the first court day after the service, whichever is later. The opposing party should

1 advise the CRD as soon as possible whether it intends to oppose the *ex parte*
2 application. The application will not be considered until a Mandatory Chambers
3 Copy has been provided. Reply briefs in support of *ex parte* applications are not
4 permitted. The parties must provide chambers copies of TRO-related documents
5 on the same day they are filed. The Court generally will not rule on any application
6 for such relief for at least forty-eight (48) hours (or two (2) court days) after the
7 party subject to the requested order has been served unless service is excused or
8 unless the interests of justice so require. The parties should not assume that an
9 unopposed *ex parte* application will be granted; and a last-minute application
10 (or stipulation) that is denied will not serve to relieve a party of an underlying
11 obligation (e.g., a soon-to-expire deadline).

12 **K. OTHER MATTERS**

13 **1. Class Actions.** If this action is a putative class action, the parties are
14 to act diligently and begin discovery immediately so that the motion for class
15 certification can be filed expeditiously. A motion for class certification must be
16 filed not later than one hundred and twenty (120) days from the date initially set
17 for the scheduling conference, unless the Court orders otherwise.

18 **2. ERISA Cases (Benefits Claims).** The Court will hear motions to
19 determine the standard of review, whether discovery will be permitted, and the
20 scope of the administrative record. Counsel are discouraged from filing motions
21 for summary judgment or partial summary judgment on any other issue. If they
22 choose to do so, they must distinguish *Kearney v. Standard Insurance Co.*,
23 175 F.3d 1084, 1093-95 (9th Cir. 1999) in the moving papers and explain why
24 summary judgment is not precluded. The parties may receive a scheduling
25 conference order as a matter of course. Because the ordinary pretrial and trial
26 schedule does not apply to these ERISA cases, the parties need only submit
27 a joint status report identifying any special issues that should be considered.
28 The parties should proceed with the preparation of the administrative record

1 decision on the papers.

2 and briefing without delay upon service of the complaint. A court trial, ordinarily
3 limited to oral argument on the administrative record, will be scheduled within
4 six (6) months from the filing of the original complaint, unless good cause for
5 additional time is shown in the status report. If the Court concludes that the
6 decision would not benefit from oral argument, the matter may be submitted for

7 **3. Bankruptcy Appeals.** Counsel must comply with the Notice
8 Regarding Appeal from Bankruptcy Court issued at the time the appeal is filed
9 in the district court. The matter is deemed under submission on the filing of the
10 appellant's reply brief. The Court considers bankruptcy appeals on the papers and
11 usually does not set these matters for hearing.

12 **L. CONSEQUENCES FOR NON-COMPLIANCE WITH THIS ORDER**

13 If, without satisfactory explanation, counsel fail to file the required Joint Rule
14 26(f) Report or the required pretrial documents, fail to appear at any scheduled
15 proceeding, or otherwise fail to comply with the Court's Orders or rules, the
16 Court shall take any action it deems appropriate, including: (i) dismissal of the case
17 for failure to prosecute, if the failure occurs on the part of the plaintiff; (ii) striking
18 the answer resulting in default if such failure occurs on the part of the defendant;
19 and/or (iii) imposing monetary sanctions against the offending party and counsel.

20
21 **IT IS SO ORDERED.**

22
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24 Dated: July 24, 2025



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26 HON. WESLEY L. HSU
27 UNITED STATES DISTRICT JUDGE
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